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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/806,636	03/23/2004	Jerald C. Seelig	619.706	2585
21707	7590	12/12/2007		
IAN F. BURNS & ASSOCIATES			EXAMINER	
P.O. BOX 71115			COBURN, CORBETT B	
RENO, NV 89570			ART UNIT	PAPER NUMBER
			3714	
			MAIL DATE	DELIVERY MODE
			12/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/806,636	SEELIG ET AL. CT	
	Examiner	Art Unit	
	Corbett B. Coburn	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 24-56 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/13/05, 4/30/04</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of claims 1-23 in the reply filed on 9 October 2007 is acknowledged.

Claim Objections

2. Claim 2 is objected to because of the following informalities: Claim 2 recites, "an indicia". "Indicia" is plural. Appropriate correction is required. (See also claim 11.)
3. Claim 9 is objected to because of the following informalities: Claim 9 recites, "a m by n matrix". It should read "an m by n matrix". Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-6, 8, 9, 11, 13-15 & 17-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Nordman (US Patent Number 6,712,694).

Claim 1: Nordman teaches a gaming device including a housing (10A) with a plurality of walls that define a cavity. Nordman teaches at least one moveable indicator (80) associated with the housing. There is a moveable indicator actuator (58B) configured to move the moveable indicator in a linear manner along a first axis. (Fig 3A) (The indicia

move in a curvilinear fashion.) There is also a display device (60) with a plurality of indicia associated with the housing. There is a display device actuator (58A) configured to move the display device in a linear manner along a second axis, wherein the second axis is orthogonal to the first axis. (The indicia on the display device move in a curvilinear manner.) There is a one controller (38) in communication with the display device actuator and the moveable indicator actuator. (Fig 2) The controller is configured to determine a game outcome, and to direct movement of the moveable indicator and the display device.

Claims 2, 4: Nordman teaches a player input device (handle [18], or buttons [20, 24, 26], or touch screen [50]) coupled to the housing and in communication with the controller. The player input device allows a player to control the movement of at least one of the moveable indicator and the display device. The movable indicator & the display are activated by the input device. Thus, the input device allows the player to control the movement of the movable indicator & display. After the player has activated the player input device, the controller causes at least one of the display device and the moveable indicator to move such that the moveable indicator indicates an indicium on the display device that corresponds to the game outcome determined by the controller.

Claim 3: The player's input has no affect on the game outcome.

Claim 5: The indicia represent prizes a player may win.

Claim 6: Nordman teaches a free spin (Fig 1, 60). This is a game play prize.

Claims 8 & 13: Nordman teaches movement & rotation about a horizontal axis.

Claim 9: Nordman teaches indicia arranged on the display device in an m by n matrix, and m and n are integers. (Fig 5)

Claim 11: Nordman's display device actuator includes at least one chassis and at least one axle attached to the chassis. There is at least one reel coupled to the axle, the reel having at least one strip of media positioned on or adjacent to its circumference. At least one indicium is affixed on the strip of media. The actuator is coupled to the chassis and the reel, the actuator being configured to rotate the reel thereby allowing a presentation of moveable indicia. (Fig 3A)

Claims 14 & 15: There is a positioning system (56) for determining at least one position of the moveable indicator & display device.

Claim 17: Nordman teaches a display device with a band of material, the indicia appearing on the band of material – i.e., a reel strip.

Claim 18: Nordman teaches an embodiment in which, the moveable indicator actuator includes a motor in communication with a worm gear, the moveable indicator being affixed to the worm gear. (Fig 8)

Claim 19: The gaming device may be configured as a primary game. Col 3, 1-5 indicates that the game uses the indicated symbol “to provide a number of base game credits.” This indicates that it may be used as a base game.

Claim 20: The gaming device may be configured as a bonus game in association with a primary game. (Col 4, 26-36)

Claim 21: Nordman teaches a slot machine.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 7, 12, 22 & 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordman (US Patent Number 6,712,694) as applied to claim 1.

Claims 7 & 12: Nordman teaches the invention substantially as claimed, but fails to teach vertical axes. As claims 8 & 13 make clear, the orientation of the axes is not a critical factor & is merely a matter of design choice.

Claims 22 & 23: Nordman teaches the invention substantially as claimed, but fails to teach the claimed arrangement of indicia. However, the arrangement of indicia in a slot machine is a matter of design choice well within the level of ordinary skill.

8. Claims 10, 16 & 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nordman (US Patent Number 6,712,694) in view of Silva et al. (US Publication Number 2004/0171423).

Claim 10: Nordman teaches the invention substantially as claimed, but fails to teach a display with a belt between rollers. Silva teaches a chassis at least one roller (130, 132) attached to the chassis and an actuator (134) coupled to the roller. At least a portion of the display device is wrapped around the roller. The actuator rotates the roller causing the display device to be rotated and move the indicia. (Paragraphs 57 & 58)

A combination of Nordman & Silva would yield predictable results. A combination of known elements, each performing their usual function, by known methods to yield predictable results is obvious.

Claim 16: Silvia teaches (A) at least one idler roller; (B) at least one drive roller; and (C) a motor in communication with the drive motor, wherein at least a portion of the display device is in contact with the idler roller and driver roller and rotates about the idler roller and the drive roller when the drive roller is actuated by the motor. (Fig 4, paragraphs 57 & 58)

Claim 17: Silvia teaches a display device with a band of material, the indicia appearing on the band of material.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corbett B. Coburn whose telephone number is (571) 272-4447. The examiner can normally be reached on 8-5:30, Monday-Friday, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Corbett B. Coburn/
Primary Examiner
Art Unit 3714

10.